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APPENDIX A

**ON REHEARING
UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-4835

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARLAND MAYNOR,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Richard D. Bennett, Senior District Judge. (1:17-cr-00280-RDB-1)

Submitted: September 30, 2022

Decided: June 26, 2023

Before GREGORY, Chief Judge, and AGEE and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Brent Evan Newton, Gaithersburg, Maryland, for Appellant. Ereik L. Barron, United States Attorney, Christina A. Hoffman, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A jury convicted Marland Maynor of possession of a firearm by a convicted felon, 18 U.S.C. § 922(g)(1), and the district court sentenced Maynor under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), to the mandatory minimum term of 180 months' imprisonment. Maynor appealed, challenging the propriety of the ACCA enhancement. We affirmed.

Maynor then petitioned for rehearing, asserting in part that he was entitled to relief under *Rehaif v. United States*, 139 S. Ct. 2191, 2195-97, 2200 (2019) (holding that § 922(g) offense requires proof that defendant knew of his prohibited status). We granted the petition and directed the parties to file supplemental briefs addressing *Rehaif*'s impact on Maynor's conviction.

Before briefing commenced, the Supreme Court issued *Greer v. United States*, 141 S. Ct. 2090 (2021), which substantially clarified the *Rehaif* issue in this case. As a result, Maynor's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), conceding that *Greer* forecloses Maynor's *Rehaif* claim. Maynor disagrees, arguing in a pro se supplemental brief that he can establish *Rehaif* error. Because we conclude that Maynor cannot establish that the unpreserved *Rehaif* error affected his substantial rights, we affirm.

"In felon-in-possession cases after *Rehaif*, the Government must prove not only that the defendant knew he possessed a firearm, but also that *he knew he was a felon* when he possessed the firearm." *Greer v. United States*, 141 S. Ct. 2090, 2095 (2021). Because Maynor did not challenge the knowledge-of-status element in the district court, plain error

review applies. *Id.* at 2096. For a defendant to prevail under this standard, we must find that “(1) an error was made; (2) the error is plain; (3) the error affects substantial rights; and (4) the error seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *United States v. Comer*, 5 F.4th 535, 548 (4th Cir. 2021) (internal quotation marks omitted). To satisfy the third plain error prong in the *Rehaif* context, the defendant must “make[] a sufficient argument or representation on appeal that he would have presented evidence at trial that he did not in fact know he was a felon.” *Greer*, 141 S. Ct. at 2100. “When a defendant advances such an argument or representation on appeal, the [appellate] court must determine whether the defendant has carried the burden of showing a ‘reasonable probability’ that the outcome of the district court proceeding would have been different.” *Id.*

Though previously convicted of several felony offenses, Maynor contends that, at the time he was arrested on the instant felon-in-possession charge, he believed he was no longer a felon because he had fully served his prior sentences. And there is a modicum of support for this claim: during his arrest, Maynor told a police officer that he was permitted to carry a firearm since he was not on probation or parole. According to Maynor, this statement demonstrates that he believed—albeit mistakenly—that he was not a felon.

But even assuming that Maynor’s statement is sufficient to satisfy his initial burden under *Greer*, we discern no reasonable probability that the outcome of Maynor’s trial would have been different. First, Maynor admitted at trial that he is not authorized to carry a weapon. Further, he disavowed his claim that he thought he could possess a weapon simply because he was not on probation or parole. This testimony clearly undercuts the

statement Maynor made at his arrest. Moreover, Maynor has a long and serious criminal history, including a conviction for attempted first degree murder, for which he received a 10-year prison sentence. In our view, Maynor's many prior felony convictions, coupled with his trial testimony, make it highly unlikely that Maynor could have convinced a jury that he was ignorant of his felony status. *See Greer*, 141 S. Ct. at 2097 ("Felony status is simply not the kind of thing that one forgets." (internal quotation marks omitted)).

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious grounds for appeal. We therefore affirm the district court's judgment.* This court requires that counsel inform Maynor, in writing, of the right to petition the Supreme Court of the United States for further review. If Maynor requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Maynor.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* *Rehaif* does not bear on the ACCA issue that initially prompted this appeal; accordingly, we affirm the application of the ACCA enhancement for the reasons set forth in our prior opinion. *United States v. Maynor*, 776 F. App'x 126, 126-27 (4th Cir. 2019), *reh'g granted, judgment vacated*, 826 F. App'x 287 (4th Cir. 2020).

APPENDIX B

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-4835

UNITED STATES OF AMERICA,**Plaintiff - Appellee,****v.****MARLAND MAYNOR,****Defendant - Appellant.**

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Richard D. Bennett, District Judge. (1:17-cr-00280-RDB-1)

Submitted: July 23, 2019

Decided: August 26, 2019

Before GREGORY, Chief Judge, AGEE and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jonathan Alan Gladstone, LAW OFFICES OF JONATHAN GLADSTONE, Annapolis, Maryland, for Appellant. Robert K. Hur, United States Attorney, Jeffrey Hann, Special Assistant United States Attorney, Lauren Perry, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A jury convicted Marland Maynor of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (2012). Maynor appeals his 180-month sentence, which the district court imposed pursuant to the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e) (2012). We affirm.

The ACCA's 15-year mandatory minimum sentence applies to defendants who violate § 922(g)(1) and have sustained at least three prior convictions for either violent felonies or serious drug offenses. 18 U.S.C. § 924(e)(1). The ACCA defines “serious drug offense”—in pertinent part—as “an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance [], for which a maximum term of imprisonment of ten years or more is prescribed by law.” 18 U.S.C. § 924(e)(2)(A)(ii). Maynor contends that the district court erroneously determined that Maynor's 2009 Maryland conviction for distribution of cocaine qualified as a predicate offense, because Maynor was in fact convicted of simple possession of cocaine.*

“We review a district court's legal conclusions at sentencing de novo and its factual findings for clear error.” *United States v. McDowell*, 745 F.3d 115, 120 (4th Cir. 2014). The district court relied on the presentence report in finding that Maynor's 2009 drug conviction was for distribution of cocaine; Maynor contends that the PSR erroneously

* Maynor does not contest that distribution of cocaine is a serious drug offense. *See* 18 U.S.C. § 924(e)(2)(A)(ii).

reported the conviction. “In resolving a dispute regarding the PSR, the [district] court may consider information that has sufficient indicia of reliability to support its probable accuracy. The party objecting to information in a PSR has an affirmative duty to show that the information is incorrect.” *Id.* (citation and internal quotation marks omitted).

On appeal, as before the district court, Maynor does not explain why the PSR’s description of his prior convictions lack sufficient indicia of reliability. Maynor argues that the fact that he ultimately received a four-year sentence—the statutory maximum for simple possession of cocaine—supports his assertion that his conviction was for simple possession. However, the fact that Maynor received a sentence that is consistent with a conviction for simple possession, and that is not inconsistent with a conviction for distribution, does not satisfy Maynor’s affirmative duty to establish that the PSR incorrectly described his prior conviction. Accordingly, the district court was entitled to rely on the PSR, and the court’s finding that Maynor’s prior conviction was for distribution of cocaine, rather than possession, is not clearly erroneous.

We therefore affirm the district court’s judgment and deny Maynor’s pro se motions for issuance of a subpoena and for production of documents, as well as his motion to file a pro se supplemental brief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

APPENDIX C

FILED: June 21, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-4835
(1:17-cr-00280-RDB-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MARLAND MAYNOR

Defendant - Appellant

O R D E R

Upon consideration of submissions relative to appellant's motion to permit newly appointed counsel to raise an additional issue in brief on rehearing, the court denies the motion.

Judge Agee and Judge Diaz voted to deny the motion. Chief Judge Gregory voted to grant the motion.

For the Court

/s/ Patricia S. Connor, Clerk

APPENDIX D

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Appellant,

v.

MARLAND MAYNOR,

Appellee

RECORD NO. 18-4835

DEFENDANT'S REQUEST TO
SUPPLEMENT HIS APPELLATE BRIEF

COMES NOW, Marland Maynor, Appellant, pro se, and does hereby request that this Honorable Court allow him to file this supplement to his Appellate Brief, and says:

Appellant has continued to research the charges against him and has discovered information to supplement his assertion that he should not have been charged as a felon in possession of a firearm.

Defendant Should Not Be Considered Violent

Mr. Maynor maintains and stands firm that because his last conviction of violence was in 1999, the lack of any subsequent violent convictions indicates an absence of danger to his community or any other. Also, Maynor contends that he was not in custody, nor under any judicial supervision when he was arrested in the instant case

At the time of his conviction in 1999, Maynor was 19

years old--not a full grown maturity of a man. His only convictions since then that the Court considers dangerous was for possession of a small amount of drugs, not large quantities such as 28 grams or more.

Maynor was not under parole or probation supervision nor was he released from any other criminal offense at the time of his instant arrest. Maynor doesn't have a violent history. In any institution he was placed in for his imprisonment and is not an armed career criminal.

The human brain is not fully developed before the age of 25 in particular, the frontal and prefrontal cortex are not yet fully mature, leading adolescents to be impulsive and to inaccurately assess risk. This is what led to Maynor's 1999 conviction.

Maynor asserts that his one crime of violence--as a teenager--was almost two decades old at the time of his arrest and that he no longer posed a continuing threat to society.

Since his 1999 conviction, Mr. Maynor's conduct has changed to one of non-violence. The non-violent nature of the majority of Mr. Maynor's criminal misconduct, which mainly involved possession of narcotics, demonstrates that he does not pose an unreasonable risk of danger to public safety.

Mr. Maynor's own attorney testified in Court that Maynor "does not like to take drugs," and that he "doesn't like the way drugs make him feel." (Sentencing transcript, Nov. 8, 2018, pg. 74) His attorney went on to state that his criminal history at a young age was likely due to "the lack of guidance perhaps

of a male," and that "we're going to see a change in direction" from Maynor due to his maturity. (Id., pgs. 74-75)

The Federal Rule of Evidence 609 governs impeachment of a witness with a prior conviction. Section (b) limits the use of evidence after 10 years and states that evidence of a defendant's conviction is admissible only if:

(1) its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and

(2) the ~~proponent~~ gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use.

Mr. Maynor was never given any notice of the government's intent to use his prior conviction so that he could contest its use.

Right to Bear Arms

Mr. Maynor respectfully suggests that his Second Amendment right to bear arms should never have been taken away or, at the very least, should have been restored.

As ruled by other courts, there are two things an individual must do to mount a successful as-applied challenge to the denial of their Second Amendment rights.

First, he must identify the traditional justifications for excluding from Second Amendment protections the class of which he is a member. Only justifications with "historical pedigree" are relevant for regulations imposing a permanent

disability. Second, he must present facts about himself and his background that distinguish his circumstances from those of persons in the historically barred class. These facts must speak to the traditional justifications that legitimize the class's disability.

There are two ways of doing this: (1) a felon convicted of a minor, non-violent crime might show that he is no more dangerous than a typical law-abiding citizen, or (2) a court might find that a felon whose crime of conviction is decades-old poses no continuing threat to society.

Mr. Maynor is no more dangerous than a typical law-abiding citizen and any conviction of his which could be considered violent is decades old.

Bill of Rights

The Second Amendment is embedded within the Bill of Rights. Every one of the other rights and freedoms set forth in the first nine amendments of the Bill--whether or not phrased as a "right of the people"--protects individuals, not governments; none of its provisions protects persons only in connection with service to the government. As Thomas Colley summarized, writing of the Bill's first eight amendments, "[I]t is declared that certain enumerated liberties of the people shall not be taken away or abridged." It is therefore reasonable to interpret the Second Amendment to protect individuals just as the rest of these nine amendments do.

More particularly, the Second Amendment is located within

a subset of the Bill of Rights amendments, the First through Fourth, that relates most directly to personal freedoms (as opposed to judicial procedure regulating deprivation by the government of one's life, liberty, or property)--the amendments that, in Story's words in his Commentaries, "principally regard subjects properly belonging to a bill of rights. These four amendments concern liberties that are tied to the right of individuals to possess and use certain property (the printing "press" in the First Amendment, "house[s]" in the Third's restriction on quartering soldiers, and "houses, papers, and effects" in the Fourth's restriction on searches and seizures), or otherwise to act without undue governmental interference (worship, speech, assembly and petition). Again, it seems reasonable to interpret the Second Amendment, consistently with this context, to set out another personal liberty (keeping and bearing) and privileged form of individual property (arms), useful for protecting not only the citizen's person but also the "houses" that the Third and Fourth Amendments guard.

Finally, the right in the Second Amendment immediately follows the right to assemble and petition, which concludes the First Amendment. The latter right is undeniably personal and individual, not depending on governmental organization, regulation, or service. And the two are aligned, not only in their placement but also in their origin, purpose, and limitations.

Congress does not have any power to make any laws for or against any amendment where the powers are not expressly given

by the amendment. As such, the right to bear arms cannot be taken away without a vote of the people to change the Second Amendment.

This distinction between the "people" and the government is why the Founders insisted that the Constitution be ratified by popularly elected special conventions rather than by the state governments, to ensure its supremacy over those governments.

The Second Amendment's recognition of a "right" that belongs to "the people" indicates a right of individuals. The word "right," standing by itself in the Constitution, is clear. Although in some contexts entities other than individuals are said to have "rights," the Constitution itself does not use the word "right" in this manner. Setting aside the Second Amendment, not once does the Constitution confer a "right" on any governmental entity, state or federal. Nor does it confer any "right" restricted to persons in governmental service, such as members of an organized military unit. In addition to its various references to a "right of the people," the Constitution in the Sixth Amendment secures "right[s]" to an accused person, and in the Seventh secures a person's "right" to a jury trial in civil cases. By contrast, governments, whether state or federal, have in the Constitution only "powers" or "authority." It would be a marked anomaly if "right" in the Second Amendment departed from such uniform usage throughout the Constitution.

In any event, any possible doubt vanishes when "right"

is conjoined with "the people," as it is in the Second Amendment. Such a right belongs to individuals: The "people" are not a "State," nor are they identical with the "Militia." Indeed, the Second Amendment distinctly uses all three of these terms, yet it secures a "right" only to the "people." The phrase "the right of the people" appears two other times in the Bill of Rights, and both times refers to a personal right, which belongs to individuals. The First Amendment secures "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," and the Fourth safeguards "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." In addition, the Ninth Amendment refers to "rights...retained by the people." There is no reason to read the phrase in the Second Amendment to mean something other than what it plainly means in these neighboring and contemporaneous amendments.

As such, Mr. Maynor's right to bear arms as stated in the Constitution's Bill of Rights should never have been taken away, or, at the very least, it should have been restored.

Summary

The possession of an unregistered firearm, even by a non-felon, involves a blatant disregard for the law and a substantial risk of improper physical force.

Section 922(g)(1) was enacted to control individuals who could not be trusted in their communities in 1968. Mr. Maynor is not a felon nor a violent person. He has not offended

society in any way, shape, form or fashion.

The historical Bill of Rights does not mention felon or felony. It is only mentioned in 922(g) which contradicts Mr. Maynor's rights. He is not a murderer, assassin, burglar or thief, nor is he a sex offender. These are serious crimes. However, Maynor has been a law-abiding citizen taking care of his responsibilities as a young man, working and paying taxes at all times while in society.

The weapon that Baltimore City Police officers charged Maynor with was registered and it was not his. The government contends that Maynor is this violent person. His criminal history has a pattern of being a small-time possessor of drugs that were never on his person.

The facts about Mr. Maynor and his background are different than those who are not able to carry a firearm in Maryland or any other state. First, he is not an illegal citizen in Maryland; second, he's never hit a woman nor been domestically violent; third, he's never been a user of drugs while possessing a gun.

The ultimate is that Mr. Maynor never possessed a firearm nor has he committed a crime or attempted to physically hurt anyone. All he's ever done in his life is smoke marijuana, drink, and shoot dice while being around drugs as a juvenile. Therefore, he should not be considered a violent felon.

Conclusion

WHEREFORE, Appellant Maynor earnestly prays this Honorable

Court will consider the above supplemental facts, and rule in his favor in the appeal now being considered.

RESPECTFULLY SUBMITTED THIS 14th DAY OF December, 2022.

Malad / Maynor
Marland Maynor, #57066-037
FCC-Petersburg
P. O. Box 1000
Petersburg, VA 23804

CERTIFICATE OF SERVICE

I hereby certify that I caused to be filed the foregoing motion with the Clerk of Courts office via U.S. Mail on this 14th day of December, 2022, by placing it in the institution mailbox, postage prepaid.

Malad / Maynor
Marland Maynor

APPENDIX E

MDS

United States District Court
District of Maryland

UNITED STATES OF AMERICA

v.

MARLAND MAYNOR

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed on or After November 1, 1987)

BY **Case Number RDB-1-17-CR-00280-001**

Defendant's Attorney: Anthony Martin, CJA
Assistant U.S. Attorney: Jeffrey M Hann & Lauren Perry

THE DEFENDANT:

- ☐ pleaded guilty to count(s) ____
☐ pleaded nolo contendere to count(s) ____, which was accepted by the court.
☒ was found guilty on count(s) 1 after a plea of not guilty.

Title & Section
18:922(g)(1)

Nature of Offense
Felon In Possession Of A Firearm.

Date
Offense Concluded
11/26/2016

Count
Number(s)
1

The defendant is adjudged guilty of the offenses listed above and sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 as modified by U.S. v. Booker, 543 U.S. 220 (2005).

- ☐ The defendant has been found not guilty on count(s) ____
☐ Counts ____ is/are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

November 8, 2018
Date of Imposition of Judgment

Richard D. Bennett November 13, 2018
Richard D. Bennett Date
United States District Judge

Name of Court Reporter: Martin Giordano

DEFENDANT: Marland Maynor

CASE NUMBER: RDB-1-17-CR-00280-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 180 months, with credit for time served in Federal custody since June 12, 2017.

☒ The court makes the following recommendations to the Bureau of Prisons:

1. The defendant shall be given credit for time served in State custody from November 27, 2016 to June 12, 2017, pursuant to 18 U.S.C. §3585.
2. That the defendant shall receive psychological counseling and treatment for which he may be eligible.
3. That the defendant be designated to the FCI at Memphis, FCC at Beaumont or FCC Oakdale for service of his sentence.
4. That the defendant participate in any substance abuse program for which he may be eligible.
5. That the defendant participate in a vocational or educational program.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ a.m./p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender, at his/her own expense, to the institution designated by the Bureau of Prisons at the date and time specified in a written notice to be sent to the defendant by the United States Marshal. If the defendant does not receive such a written notice, defendant shall surrender to the United States Marshal:

☐ before 2pm on _____.

A defendant who fails to report either to the designated institution or to the United States Marshal as directed shall be subject to the penalties of Title 18 U.S.C. §3146. If convicted of an offense while on release, the defendant shall be subject to the penalties set forth in 18 U.S.C. §3147. For violation of a condition of release, the defendant shall be subject to the sanctions set forth in Title 18 U.S.C. §3148. Any bond or property posted may be forfeited and judgment entered against the defendant and the surety in the full amount of the bond.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____

DEFENDANT: Marland Maynor

CASE NUMBER: RDB-1-17-CR-00280-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

The defendant shall comply with all of the following conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

A. MANDATORY CONDITIONS

- 1) You must not commit another federal, state or local crime.
- 2) You must not unlawfully possess a controlled substance.
- 3) You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
- 4) ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
- 5) You must cooperate in the collection of DNA as directed by the probation officer.
- 6) ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
- 7) ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page

B. STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

DEFENDANT: Marland Maynor

CASE NUMBER: RDB-1-17-CR-00280-001

- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

C. SUPERVISED RELEASE ADDITIONAL CONDITIONS

1. You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
2. You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.
3. You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
4. You must participate in a vocational services program and follow the rules and regulations of that program. Such a program may include job readiness training and skills development training.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: Marland Maynor

CASE NUMBER: RDB-1-17-CR-00280-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$0.00	\$0.00

☐ CVB Processing Fee \$30.00

☐ The determination of restitution is deferred until _____ An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
		\$0.00	

TOTALS \$ _____ \$ _____ \$0.00

☐ Restitution amount ordered pursuant to plea agreement _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows: _____

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Marland Maynor

CASE NUMBER: RDB-1-17-CR-00280-001

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☒ In full immediately; or
- B ☐ \$_____ immediately, balance due (in accordance with C, D, or E); or
- C ☐ Not later than _____; or
- D ☐ Installments to commence _____ day(s) after the date of this judgment.
- E ☐ In _____ (e.g. *equal weekly, monthly, quarterly*) installments of \$_____ over a period of _____ year(s) to commence when the defendant is placed on supervised release.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court expressly orders otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the Clerk of the Court.

☐ **NO RESTITUTION OR OTHER FINANCIAL PENALTY SHALL BE COLLECTED THROUGH THE INMATE FINANCIAL RESPONSIBILITY PROGRAM.**

If the entire amount of criminal monetary penalties is not paid prior to the commencement of supervision, the balance shall be paid:

- ☐ in equal monthly installments during the term of supervision; or
- ☐ on a nominal payment schedule of \$_____ per month during the term of supervision.

The U.S. probation officer may recommend a modification of the payment schedule depending on the defendant's financial circumstances.

Special instructions regarding the payment of criminal monetary penalties:

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States: